

[The President]

[31st January 1936]

“As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

“I nominate Mr. M. S. Sreshta, a Member of the panel of Chairmen, to be a member of the Select Committee.”

IV.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934).

* The Hon. the PRESIDENT:—“The House will now proceed to discuss the clauses of the City Municipal Act (Amendment) Bill. Hon. Members might remember that when we last adjourned we disposed of amendment No. 132. With that 132-A, 132-B and 132-C have been disposed of and also 133. Now we shall proceed to item 134 on the agenda.”

Diwan Bahadur A. APPADURAI PILLAI:—“From the list of amendments circulated to us you will find, Sir, that clause 5, section 6 (1) (4) and section 6 (2) are yet to be taken up.”

* The Hon. the PRESIDENT:—“I might remind the hon. Member that it has been decided that these sections ought to be taken up along with amendment No. 199. That is why I have not taken them up here. I request the hon. Member to move his amendment—item No. 134.”

Clause 96.

Section 171-B.

* Diwan Bahadur A. APPADURAI PILLAI:—“Mr. President, I beg to move the amendment standing in my name as follows:

‘Delete section 171-B.’

Sir, it will be remembered that section 171-A regarding metering of house connexions was subjected to a considerable amount of discussion and as a result of that discussion it was deleted. If section 171-A is deleted, 171-B follows suit and it should also be deleted and for the reasons already given in the case of section 171-A it was considered undesirable to impose an additional burden on private owners by providing for meters. It may be stated that the first paragraph of section 171-B which provides that ‘Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it’ is necessary and should not be deleted. Sir, we find in section 169 of the original Act there was provision that ‘the cost of making the connexion and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax’ but this has been replaced by a revised clause which deals as to how when the applicant is not the owner of the property the cost of supplying these meters should be adjusted. As a matter

31st January 1936]

[Mr. A. Appadurai Pillai]

of fact meters are provided in rare cases where they are found necessary as in the case of private residences under the rules now in force. It may be urged that paragraph (1) of this new section 171-B should remain since clause (4) of old section 169 has been deleted. To that extent I am prepared to agree, but I say that the rest of section 171-B which refers to the metering of private houses should be deleted as was done in the case of section 171-A. The Commissioner tells me that 171-B has no connexion with 171-A. I do not know how it has no connexion. Section 171-B which relates to the cost of making the connexion, etc., is necessary corollary to section 171-A. So I submit that section 171-B with the exception of paragraph (1) should be deleted. If the Commissioner says that 169 (4) found in the original Act has been deleted and it has been replaced by another section which has no bearing to the former and therefore it must be provided for in section 171-B, and that for this purpose paragraph 1 of section 171-B should be retained, I can see no objection. Beyond that I do not know what necessity is there for the rest of section 171-B. Clause (2) of section 171-B merely relates to providing connexions at the instance of the Commissioner and such things will be regulated by means of a bye-law framed under section 349. As a matter of course in private residences we find meters already provided for. For instance, in my house there is a meter provided at the cost of the Corporation. What we desire is that this state of affairs should be left undisturbed. Section 171-B which bears close relation to section 171-A should be deleted with the exception of paragraph 1."

The motion was duly seconded.

* Diwan Bahadur C. NATESA MUDALIYAR :—" Of course section 171-A has been deleted from the Bill because that section related to compulsory metering of houses. So hereafter all houses will not be compulsorily metered. In the case of a few applicants who apply for connexions, there will be compulsory metering if you allow section 171-B to remain as it is. It reads:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.'

"So if you remove the words 'as well as the cost of meter', everything will be all right. I request the Raja Sahib to remove the words 'as well as the cost of meter.' If anybody wants water connexion hereafter and if he applies under section 171-B, his house will be metered, and those houses that have already taps will be exempted. So if those words 'as well as the cost of meter' are removed everything will be all right. The Hon. the Raja of Bobbili gave us concession under the previous section 171-A and I hope the same concession will be extended to us now also."

* The Hon. the PRESIDENT :—" I am unable to follow the hon. the Mover of the amendment. Mr. Appadurai Pillai has not been quite definite as to the sub-clauses that he wants to be deleted, but has moved

[The President]

[31st January 1936]

for the deletion of the whole clause 171-B. Then as far as I understand Dr. Natesa Mudaliyar, he wants to delete the whole clause 171-B."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, when clause 171-A was deleted, we thought that metering of any sort was abandoned altogether. But on further consideration we found that was not the case. If the Hon. the Raja Sahib would now consent to delete the reference to metering and the cost of metering in this clause, we will gain our object. I would also request Mr. Appadurai Pillai to agree to my amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I wanted that the whole of clause 171-B should be deleted. However if that was not acceptable, I proposed that sub-clause (1) alone might be retained while the other sub-clauses might be deleted. My contention was that clause 171-B should go inasmuch as clause 171-A has been deleted, for the simple reason that the provision made in 171-B has already been made in 169-A."

* The Hon. the RAJA OF BOBBILI:—"Sir, there seems to be some misunderstanding with regard to this amendment. When the Council dealt with this Bill last time it was agreed that clause 171-A which introduced compulsory metering of all houses should be deleted. Consequent upon that decision the other relevant sections have been examined carefully to see whether it is necessary to carry out any consequential amendments. It has been found that it is sufficient if section 172 is amended and I have also given notice of an amendment to that section yesterday. As far as 171-B is concerned the decision of the Council last time was only to delete the provisions of compulsory metering. But it was never intended that the Corporation should be deprived of the power of metering any house according to their by-laws. If clause 171-B is carefully read it will be seen that all that it says, is:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it * * *'

"The words 'if any' clearly show that in all cases metering is not compulsory and only when a connexion falls under the by-laws of the Corporation in this respect, the Corporation will have the power to fix a meter and recover the cost thereof. I understand that clause 171-B more or less follows the present by-laws of the Corporation and as they do not make the metering of every such connexion compulsory, I feel, Sir, the clause may remain as it is. I have therefore to oppose the amendment."

MR. BASHEER AHMED SAYEED:—"Sir, I was myself unable to follow the arguments advanced by the hon. Member for the Indian Christian constituency. He seemed to be thinking that there was no necessity for section 171-B after clause 171-A had been deleted. Not at all. Whether section 171-A remained or whether it is deleted, all the same there is every necessity, logical necessity, for the retention of section 171-B. 171-B comprises three categories of cases: one is connexion and metering given on the application of the owner or the occupier

31st January 1936] [Mr. Basheer Ahmed Sayeed]

of a house; the second is connexion and metering done at the instance of the Commissioner; and the third is the case of the occupier having a right of recovery against the owner when the connexion and metering is done on his application. It is essential that the Corporation should be empowered to recover whatever it might have spent in this respect either at the instance of the Commissioner or at the instance of the owner or occupier. It is also essential that the occupier of the house should be enabled to recoup himself in case he has paid the cost of connexion and metering to the Corporation in default of the owner. Therefore this clause is not dependent to any extent upon section 171-A at all. Section 171-A has been deleted. 171-B gives power to the Commissioner to recover the cost of metering and connexion. Then there is a further advantage in retaining this section. It lays down that all sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax. Hitherto there was no such provision. It is necessary in the interests of the finances of the Corporation that they should be enabled to recover the cost of connexion and metering in the same manner as the drainage or property-tax. This is a very comprehensive clause. It should not be deleted, but retained. As regards Dr. Natesa Mudaliyar”

Diwan Bahadur C. NATESA MUDALIYAR:—“Sir, I have been completely satisfied with the explanation given by the Hon. Minister.”

MR. BASHEER AHMED SAYEED:—“The cost of connexion cannot be given up; it must always be paid by the owner. That is the usual practice. The owner of a house who gets the benefit of the connexion given by the Corporation must pay the amount to the Corporation and the Corporation must be enabled to recover any expenditure that they might have incurred in this behalf”

* The Hon. the PRESIDENT:—“The hon. Member is arguing even though Dr. Natesa Mudaliyar has been convinced.”

* Diwan Bahadur A. APPADURAI PILLAI:—“Sir, I am sorry my contention has not been followed by the hon. Member. Either I have not made myself clear to him or he has not had the patience to understand me. He says that section 171-B provides for the recovery of the cost of connexion and metering. I pointed out that provision has been made for that already in sub-clause (4) of section 169. Unfortunately that section has been replaced by another section, which has no bearing on the question of recovering the costs. That was why I suggested that if necessary sub-clause (1) of section 171-B might be retained. I do not find any need for the rest of the section, because all that it covers has been provided for in the by-laws of the Corporation. That is my contention. If Dr. Natesa Mudaliyar is anxious to withdraw his amendment, I am not anxious to withdraw mine. I have carefully considered 171-B and deliberately put in my amendment.”

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil of which the following is a summary:—

“Sir, I hope that Diwan Bahadur A. Appadurai Pillai will not withdraw his amendment. It is quite necessary. A good deal of inconvenience will be caused by metering the water connexions. It has

[Mr. P. C. Muthu Chettiyar] [31st January 1936]

been said that only new connexions will be metered and old ones will be left as they are. I do not understand what is meant by a new connexion. The word 'new' will require a lot of interpretation. Suppose a house takes a water connexion to-day and to-morrow owing to some repair and remodelling of the house the pipe line has to be diverted along a different path; will that be called a new connexion or an old connexion? Sir, we do not want metering in any shape or form. That was the decision of the Council on the last occasion. There should be no distinction between old and new connexions so far as dwelling houses are concerned. For, any water that is used in dwelling houses will be used only for domestic purposes. They will not use it for sailing ships and boats on it. But the case of gardens is different. Metering is necessary in their case. But no metering should be done in the case of dwelling houses. I hope that Dr. Natesa Mudaliyar will not change his mind. I am sure that Diwan Bahadur Appadurai Pillai's proposal will be acceptable to the House and will give all-round satisfaction. I urge that clause 171-B should be deleted."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"Sir, there is only one point which I would like the Hon. the Chief Minister to clear up before the amendment is put to vote. I understand that two issues are involved in this question: one is the question of compulsory metering of houses. I think Mr. Appadurai Pillai is afraid that the retention of this clause will mean the compulsory metering of all houses. I may assure him that that is not the case. The other question is whether the party concerned should be asked to pay for the meter. I think that this clause has not made the position clear. Sub-clause (1) says:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.'

"When an owner or occupier applies to the Corporation that a meter may be fixed to his house connexion, I think he is bound to pay the cost of metering. That is what the sub-clause says. The second sub-clause says that where the Commissioner requires a particular house connexion to be metered, he should be empowered to collect the cost of metering from the owner or occupier. But at the same time if the Council of the Corporation passes a resolution that the Commissioner need not collect the cost of metering in such cases, then he would not do so. But in cases in which an occupier or owner voluntarily requests the Commissioner to fix a meter for his house connexion, then he will have to pay the cost of metering. I do not think it is the intention of this section to enable the Commissioner to collect the cost of metering in cases in which the Council of the Corporation by a resolution decides that the cost need not be collected, irrespective of the fact whether the initiative to have the connexion metered is taken by the Commissioner or the owner or occupier. Once these points are clearly agreed upon, we must amend this clause in such a way as to make it clear that the Corporation has the power to decide that the cost of metering need not be collected in certain cases. Even if the Corporation so decides, if the

31st January 1936]

[Mr. M. A. Muthiah Chettiyar]

first sub-clause is retained as it is, the Commissioner is bound to collect the cost of metering from owners or occupiers who apply for metering of their house connexions. So we have to amend sub-clause (1) to make it consistent with the latter sub-clauses."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I am afraid the previous speaker has not put forward clearly the present state of affairs in the Corporation. Sir, nobody is going to ask the Corporation to meter his house connexion. Therefore that case may be completely ruled out. According to the by-laws framed under section 349 of the City Municipal Act, the Corporation is entitled to meter compulsorily the connexions of houses where there are more than two taps and also of bungalows where water is used or is likely to be used for gardens and non-domestic purposes. In these cases, a person who wants a connexion is asked to pay the charges of metering along with the charges of connexion before the connexion is given to him.

"If it is the desire of the Kumara Raja of Chettinad, ex-Mayor, that the cost of the meter need not be recovered from the person who wants such a connexion, I shall be very glad if the Government are prepared to accept it. There are two sorts of cases, one, the house which has necessarily to be metered because of the use of water for non-domestic purposes and on account of the fact that it has more than two taps. There is then the case of the house which the Commissioner has power to ask to be metered, because water is being wasted. When the house is metered, it will be too hard to ask the house-owner to pay for the meter. That is the second case provided for. I shall certainly be glad if the House will accept the amendment but I have my own doubts about it."

12
noon.

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, as a mufassal man, I find it difficult to follow the discussion. After I heard so many hon. Members, it appears to me that it is a question of language rather than of rules. I understand that the question of compulsory metering has been abandoned. I understand further that there are cases where in the discretion of the Commissioner or in certain circumstances, metering can be compulsorily made; it is not in the case of every one but in certain specific classes of cases. If, in cases where more than one tap is required for garden and other purposes, connexion is to be allowed, the house-owner has to pay the cost of metering. That, I think, is the question which is involved. As has been pointed out by the Hon. the Chief Minister—these words are repeated here, i.e., 'if and where metering is really necessary'—then alone the cost is recoverable; it does not connote any idea of compulsory metering in an unpractical way and recovery of the cost. That is what I understand. It is only appropriate that hon. Members should be enabled to follow the discussion here. I merely seek information; hon. Members who are conversant with the City Municipal affairs may be pleased to elucidate the matter further."

The amendment was put and lost.

[31st January 1936]

* Mr. C. BASU DEV:—"Sir, I had given notice of this amendment long before the Hon. the Chief Minister kindly consented for the deletion of section 171-A. The object of my amendment is to differentiate between two kinds of water-supply, one for domestic purposes and the other for non-domestic purposes. But in view of the fact that the Hon. the Chief Minister's consent was given on the understanding that the present powers of the Corporation to meter such houses at their discretion will be retained, I do not think I will be justified in moving these amendments. I therefore do not move these amendments."

Clause 96 as amended was put and carried.

Clause 97 (i) (a).

Section 172.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move the following amendment:

"In new clause (b) of sub-section (1) of section 172, omit the words, figures and letter "section 171-A or of.""

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I beg to move the following amendment:—

'(1) *In sub-section (1) of section 172 of the Act, for the word "may" in line 1, substitute the words "shall not."*

'(2) *For sub-section (1) (a), substitute the following:*

(a) *"unless the premises are unoccupied."*

'(3) *At the end of sub-section (1) (d), add the following words:*
"such tax shall be recovered as any property-tax due."

'(4) *In sub-sections (1) (e) and (f), for the word "if" substitute the word "except."*

'(5) *In sub-sections (1) (g), (h) and (i) for the word "if" substitute the word "except."*

Sir, my object in moving this amendment is that under no circumstances water should be cut off from a premises. Water is necessary, Sir, whether the man pays his water-tax or not; a person should bathe, he should drink, he should clean his house. If you cut off the water-supply, how can the persons living in that house drink, bathe or clean the house? If a man does not pay the property-tax due on a house, are you preventing him from occupying that house? No, you only distrain the property; similarly if he does not pay the water-tax, you should not cut off the water-supply. You may take his property, distrain his property and collect the tax as you collect the property-tax. I am giving one instance. There was a house in Viraraghava Mudali street, Triplicane, where 500 people assembled for a marriage, but water was cut off exactly at the time when they were going to take their

31st January 1936]

[Mr. C. Natesa Mudaliyar]

food. How are these 500 people to wash their hands, drink water, etc. Immediately I telephoned to Diwan Bahadur Venkatanarayana Nayudu who was the Commissioner then; he came immediately and had the tap opened. Five hundred persons were saved that day. Water-supply should not be interfered with. As I said, even coffee-hotels should not be metered. Water-supply should not be interfered with because water is most essential; you can recover the water-tax by distraining the property. All that, you can do; but never cut off water-supply; that is my intention; that is why I move my amendment."

The motion was duly seconded.

Mr. K. P. RAMAN MENON:—"Sir, I wish to add a few words to what Dr. Natesa Mudaliyar has stated. I agree with him in thinking that, if water-tax has to be collected, it can be recovered just as you recover any other tax. Further, Sir, if water-supply is cut off, will it not make the place more insanitary, and the persons who are occupying the particular place liable to ill-health. Are you justified in making the particular locality insanitary, by stopping the water-supply? This aspect of the question may be considered in coming to a conclusion as to whether water should be stopped for failure of payment of dues of water-tax. That is a very strong argument in support of the position taken up by Dr. Natesa Mudaliyar."

* The Hon. the RAJA of BOBBILI:—"Sir, this question was carefully considered in the Select Committee. It was felt that in the interest of the speedy collection of revenues by the Corporation, the existing provision should be retained. No doubt this power is given to the Corporation. I understand that, in actual practice, every attempt is made to collect the arrears before water-supply is actually cut off. I am sure that the actual instances where the executive authorities would have recourse to this section, will be very few. The existence of such a power would facilitate speedy collection. I do not see why the Corporation should be compelled to supply water to those who refuse to pay the tax due to the Corporation. I must therefore oppose this amendment."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, if the provision is to be used only in extreme cases, I have no objection to withdraw my amendment. But in some cases one man occupies the house and he goes away without paying his dues as water-tax; and then another man comes and occupies the house. Is he to be denied water? The Commissioner is here; I hope this provision in the Bill will be used in only extreme cases and that the Commissioner will be as lenient as possible. With these words I withdraw my amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, it must be open to the other Members to oppose the withdrawal and to support the amendment; it is only then hon. Members would be able to give their votes properly."

* The Hon. the PRESIDENT:—"The mover of the amendment has already replied; now I have only to put the amendment to the vote of the House. If hon. Members are not very alert, it is not my fault."

[31st January 1936]

The amendment was put and lost.

Clause 97, as amended, was put and carried.

Clause 98.

Section 178.

12-15 p.m. * Mr. C. BASU DEV:—" Mr. President, Sir, I beg to move the amendment that stands in my name, i.e.—

' In sub-section (2) of section 178 of the Act, for the words " one hundred feet," the words " fifty feet " shall be substituted and sub-section (3) of section 178 of the Act shall be omitted.'

Sir, the object of my amendment is to make matters easy for house-owners in this city who may be called upon by the Commissioner to construct a drain leading from their houses to a place specified by the Corporation for the discharge of the sewage or dirty water.

" Sir, most of the richer quarters are very adequately supplied with a net-work of drains; it is only in the poorer and slum areas that drains are not to be found near the houses. If poor people are asked to construct drains over a length of 100 feet, it will, in my opinion, work a great hardship on them. In order to minimize such hardship, I suggest the acceptance of this amendment, so that owners can only be asked to construct drains for not more than 50 feet, leaving it to the Corporation to complete the remaining length if any of the drain. With these words, Sir, I move the amendment."

Diwan Bahadur A. APPADURAI PILLAI:—" I second it."

* The Hon. the RAJA OF BOBBILI:—" Sir, this question has also been carefully considered by the Select Committee and it was decided that the existing provision should be retained. The hon. Member who moved this amendment has not quoted any case where there has been any real hardship in the working of this section. I do not therefore see why we should change the present state of affairs. I have to oppose the amendment."

Mr. BASHEER AHMED SAYEED:—" Sir, the Hon. Minister has opposed the amendment already, and I may also be permitted to add that the amendment is not in the interests of sanitation or of the persons who will be affected by this amendment. If within 100 feet from the house there is a drain, then the section calls upon the owner or the occupier to have a connexion with the Corporation drain; but if the Commissioner is to call upon an owner or an occupier to do so only if there is a drain within 50 feet from the house, it would mean that we will be adding to the insanitary condition of the area. In other words, all those houses that are not within 50 feet from the drain will have no connexion, and the result will be that water will stagnate and cesspools will be formed. On the other hand, my friends like Diwan Bahadur Natesa Mudaliyar and others have been stating that cesspools

31st January 1936]

[Mr. Basheer Ahmed Sayeed]

must be got rid of. If we are to do that, we must naturally increase the distance from 100 to 200 feet and more. This amendment is therefore a retrograde step from the point of view of the sanitation of the city."

* Mr. C. BASU DEV:—"Mr. President, the hon. Member who has just sat down does not seem to have heard my speech correctly and followed it to the very end. I said that the maximum length over which an owner may be asked to construct the drain should be 50 feet and nothing more. In fact, I said that the drain for the remaining distance if any should be constructed by the Corporation. I never said . . ."

Mr. BASHEER AHMED SAYEED:—"But the amendment is not that."

* Mr. C. BASU DEV:—"Will my hon. Friend see the list of amendments? He will notice that further down I have given notice of another amendment which will complete the idea of my present amendment. In moving this amendment, I have made it quite clear that the object is not to leave the dirty water to stagnate, but to make the Corporation do its part of the duty by constructing the drain over and above 50 feet.

"The Hon. the Chief Minister stated that I had not quoted any cases of hardship. I am afraid, Sir, I am not in a position to quote cases of that kind but I can distinctly visualise the hardship but as I said at the beginning, the bulk of the people who will be affected by this provision are the poorer people, and I am sure they will certainly feel it hard to meet the cost of such construction. If the Commissioner who is here will kindly tell us in a detailed manner what exactly is the case at present and if in his opinion the present provision does not entail any hardship on the poorer people, I am prepared to withdraw my amendment."

Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, the practical difficulty in accepting the suggestion of my friend Mr. Basu Dev which I want to point out is that the Corporation has no power under the Act to do construction work on private lands. The cost may be surcharged if any building is erected on private land. Therefore, the construction of 50 feet of drain on private land is beyond the provisions of the Act. Even if this amendment is now accepted, I think it will be *ultra vires* of the powers of the Corporation, and I do not think this Council will legislate beyond the provisions of the City Municipal Act. At any rate, I do not think that is the intention of the mover. As it is, Sir, it will not be competent for the Corporation to spend any money on the construction of such drains."

Mr. C. BASU DEV:—"All the drains are not on private land."

Mr. BASHEER AHMED SAYEED:—"Is my friend entitled, Mr. President, to talk twice?"

[31st January 1936]

* The Hon. the PRESIDENT:—"The hon. Member was, I thought, going to withdraw, but he seems to make a speech.

"I shall now put the amendment to the vote of the House."

The amendment was put and lost.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, I move that—

'In sub-section (3) of section 178 of the Act in line 7, for the words "a closed cesspool or other" substitute the words "any sanitary".'

Sir, this question also has been discussed in the Committee; but I want to impress on the Hon. the Chief Minister that there is no necessity at all for cesspools in the City of Madras. Nowhere in any civilized country are these cesspools encouraged. They have now transplanted a chapter from the Calcutta Municipal Act on cheris, in this Bill. But there the word 'cesspool' never occurs. I consulted the sanitary authorities such as the Director and an Assistant Director of Public Health. Both of them said that 'cesspool' is not a desirable way of disposing of sewage. When there is a cesspool in front of a house, dirty water accumulates. Even if it is a closed cesspool, little boys take away the lid most probably to commit nuisance inside, and mosquito breeds in the cesspool. Again, when emptying the cesspool water into the sewage carts—they may be closely sealed carts—sewage water is spilt on the floor. The whole place is made dirty and then again when the cart is dragged, dirty water is spilt on the road. The whole process is nasty from beginning to end. I therefore request the Hon. the Chief Minister to consult the Director of Public Health in this matter. Cesspools must be avoided, and we should not have even a single cesspool in the city, if we are really a civilized people supposed to be in perfectly sanitary surroundings."

* Mr. D. M. REID:—"Mr. President, I think there will have to be a consequential amendment in the same sub-section, some lines further on where also the word 'cesspool' occurs—of course if this amendment is to be carried. I suggest that such an amendment may also be considered now.

"As regards my friend's amendment, though I heartily reciprocate his sentiments, I am not in favour of the proposal, because I think the present method is the more practical way of enforcing a proper disposal of the sewage . . ."

* The Hon. the PRESIDENT:—"May I point out to the hon. Member that the amendment has not yet been seconded?"

Mr. V. M. RAMASWAMI MUDALIYAR:—"I second the amendment, Sir."

* Mr. D. M. REID:—"Sir, this is a matter in which there can be no very strong feeling either way; we only want to do what is really best in the interests of sanitation. As far as I can see, the question

31st January 1936] [Mr. D. M. Reid]

which this House has now to decide is: what is the position of a house situated, say, some 200 feet from a road where there is a public drain and up to which naturally a landowner will often not be willing to erect a drain? If it is proposed to permit of a cesspool being constructed in such cases—and I think Mr. Natesa Mudaliyar will agree—that there can be good cesspools from the point of view of sanitation—the danger is that it will not be kept in a decent condition, or rather that it will be badly kept. It must be kept in such a way that the sullage could not go into the adjoining land. I feel that if these cesspools are properly kept and looked after, they are an excellent way of getting rid of the sewage water.”

* Mr. T. SUNDARA RAO NAYUDU:—“ Sir, what my hon. Friend Mr. Natesa Mudaliyar stated has a great deal of force, but as a matter of practical politics, I do not know where it will end if we are to take away these cesspools. At present, Sir, in the City of Madras, if we take away these cesspools and insist upon every house-owner to fix any other sewage plant, the result will not be quite satisfactory. I think there are to-day in the city about 7,000 to 8,000 cesspools. If we take away these cesspools and ask all the 7,000 and odd houseowners to construct some other sewage plant for disposing of the sewage water from their houses, it will be working a very serious hardship on them. At the same time, I deprecate the idea of having cesspools in front of houses. The present practice is this: the sewage cartman comes there, opens the cesspool, pours the water into the cart, leaves the lid open and goes away and as a result mosquitoes begin to breed and we find it absolutely impossible to keep the surroundings in a perfectly sanitary condition. However vigilant the Commissioner of the Corporation may be, he will not be able to deal with the menial servants of the Corporation properly. Their civic conscience is not so great as to make them do their duties automatically and close the cesspools with their lids after the water is poured out into the carts. I therefore suggest that for the present we can leave the provision as it is and request the Commissioner provisionally to see that wherever there is a cesspool now, the house-owner is insisted on to have some other sewage disposal plant constructed. At present it is not advisable to take away these cesspools and make the place more insanitary than now. With these words, Sir, I oppose the amendment.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Mr. 12-30
President, I do not know whether the hon. Mover of the amendment, p.m.
Dr. Natesa Mudaliyar, has seriously thought about the consequences of his amendment. Mr. Sundara Rao Nayudu has just pointed out that there are about seven or eight thousand cesspools in the town and unless the Corporation provide an effective system of drainage they should remain as they are at present. If any other effective system of drainage is introduced then it may be all right. According to the amendment of my hon. Friend Dr. Natesa Mudaliyar, the Commissioner has to call upon the owner of the house to provide sanitary or other sewage plant. We do not know what the cost of the ‘other sanitary’ or other

[Mr. C. S. Ratnasabhapaty Mudaliyar] [31st January 1936]

sewage plant will be. Probably it may be several hundreds or several thousands of rupees. If you ask the house-owner to remove the cesspools and provide some other sanitary sewage plant, how will it be possible for a poor owner to provide it at such a cost? Because there is no other system of drainage he has been provided with a cesspool and if he is asked to close it down and substitute it by other sanitary or sewage plant, what can he do? Is he to provide a small pump in front of his house to dispose of the matter by working the pump; and then what will be the cost of such a scheme for a poor house-owner and where will the water be let out finally? I think it will only be inflicting a hardship on these several thousand owners if they are asked to make such an arrangement in front of their houses."

MR. BASHEER AHMED SAYEED:—"Mr. President, Sir, there is another aspect of the matter which I would like to impress upon the House in connexion with this amendment. That is, I would invite the attention of hon. Members to read the earlier portion of this section. The cesspools are an unavoidable necessity; and it is not that they have been kept there by way of luxury. If in the opinion of the Commissioner any premises are without sufficient means of effectual drainage, then the cesspool is brought into existence. In the second place, no part of the premises should be situated within 100 feet of a public drain or other place set apart for the disposal of drainage. Then only the Commissioner is called upon to construct a closed cesspool or other sewage disposal plant. Now, what the hon. Mover of the amendment seeks to achieve is only this. I do not see why there should be any difficulty for the Commissioner of the Corporation to call upon the owners to provide sanitary or sewage disposal plant; and nothing prevents the Commissioner from providing such sanitary arrangements at all. The very fact that the Corporation does anything will imply that it is subject to the sanitary and healthy condition of the locality. I do not see that any purpose will be served by this amendment. Cesspools were devised as a temporary measure before the area was improved or before underground system of drainage was carried into effect in a locality. If the cesspools are going to be abolished and if sanitary or sewage disposal plant is to be installed in its place, in the interval there will be a lot of nuisance committed with the consequent ill-health in the locality. Then, Sir, does my hon. Friend, the Member for the City of Madras, who is always a friend of the poor, imagine what the cost of installing such a sanitary or sewage disposal plant would be? As a matter of fact, the places that will be affected by this amendment are after all a small area where poor people live, and if you are going to ask these poor people to put up such a plant, the cost would be enormous and it will be a great hardship to them indeed. And, even if there is no hardship, I do not see that there is anything in the section which prevents the Corporation from putting up or creating a device for the satisfactory disposal of sewage. I would therefore suggest that as a temporary and unavoidable necessity these closed cesspools must be kept on and if they are abolished, it will land us in very many difficulties particularly in regard to sanitation and public health."

[31st January 1936]

[Mr. Basheer Ahmed Sayeed]

* Diwan Bahadur A. APPADURAI PILLAI:—“ Mr. President, I would like to support very heartily what has been stated by my hon. Friend, Diwan Bahadur Ratnasabhupati Mudaliyar. If instead of the words ‘cesspool,’ the words suggested by Dr. Natesa Mudaliyar are introduced, it will be hard on some of the residents of the City of Madras. There are localities where the drainage arrangements have not been extended or taken up. For instance, there are places like Kilpauk and Chetpat, where drainage arrangements have not been made by the Corporation. If you take my own case, there is a cesspool in my house, it is very much neglected except for the Corporation man who comes there once in six months to clean it; and we are threatened with prosecution for rearing mosquitoes. So long as drainage arrangements are not made, the cesspool is a necessity. If, instead of the words ‘cesspool’ the words ‘sanitary or other sewage disposal plant’ are substituted, we do not know what new arrangements Corporation may turn up any fine morning and demand. It will really work a hardship on the poor owners of houses if this amendment is accepted. Here I wish to quote an instance. The Commissioner of the Corporation issued an order last year or so that all the houseowners should put up small bunks just in front of their houses so that the scavengers might deposit the night soil in them, and we houseowners had to knock down a portion of our compound walls for erecting these small bunks for the scavengers to use them. The result was that the whole line of houses have got these bunks. The moment the man comes out of the house, he feels nothing but the stench which causes great inconvenience. But, Sir, unfortunately or fortunately, these bunks are not now used and no scavenger keeps the tub there. I therefore think that the section in the Act should be allowed to remain as it is, because the cesspool is a necessity until at any rate the drainage system is extended to some of the outlying parts of the town. I would join hands with my hon. Friend, Diwan Bahadur Ratnasabhupati Mudaliyar and Mr. Basheer Ahmed and ask Dr. Natesa Mudaliyar to drop his amendment.”

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—“ Sir, I think, my hon. Friend is wrong when he says that the Corporation has ordered that the night soil should be deposited in such bunks. The order refers to refuse. The fact is that the house-owners and occupiers deposit refuse into dust bins so as to make it easier for the conservancy carts to gather it. . . .”

* Diwan Bahadur A. APPADURAI PILLAI:—“ On a point of personal explanation, Mr. President. Probably the Commissioner is not aware of it, and if he will only come with me I shall show him a number of such bunks which have been constructed along the Poonamallee High Road. As a matter of fact those bunks remain unused; and I believe it is within the knowledge of the Hon. the President also that in the Poonamallee Road there are a number of such bunks. We have been asked to construct them though they remain unused. I do not refer to, dust bins that are provided in front of our houses”

[Mr. A. Appadurai Pillai]

[31st January 1936]

* The Hon. the PRESIDENT:—"Order, order, points of explanation must be rather short."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I still feel that my hon. Friend is not correct. However, I accept his invitation to go with him to inspect such places."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, as I stated in the beginning, we discussed the point in the Select Committee. Because I wanted to impress upon the Hon. the Chief Minister the necessity for lessening the number of cesspools I moved this amendment. The Director of Public Health and the sanitary authorities are against this; but as regards the point raised by my hon. Friend, Mr. Keid, I can only tell him that there are various ways of disposing of the sewage in big towns. For instance in Diwan Bahadur Venkatanarayana Nayudu's house, there is a big septic tank system existing and so in other bungalows also they can do like that. Then as regards the observations of other hon. Members, namely, what should be done in places where there is no underground drainage system, I would ask them, what is it they were doing when there was no such system previously in the City of Madras. Then there were only the side drains. Even now I think instead of these cesspools, the erection of any sanitary sewage disposal such as even side drains in the places where there are no underground sewers will be a satisfactory thing to do. It is not such a big thing as Mr. Ratnasabhupati Mudaliyar thinks. If the poor owners are not able to do it, let the Corporation do it, by taking up the work on behalf of the owner and then realizing the cost in instalments as they do at present in the case of flush-out latrines. Anyhow, cesspools ought not to be continued. Even now, I am of the opinion that it is a disgrace to the Corporation to have cesspools especially in a civilized Corporation as the City of Madras. The Local Government may spend as much as possible to see that other ways are introduced instead of the cesspools. I hope our Commissioner will consult the Director of Public Health and others to see how best to dispose of the sewage without these cesspools. I leave it to the Hon. the Chief Minister to give us as much money as possible so that these cesspools may be displaced by other sanitary arrangements. All I want is that our city should be as sanitary as possible. I withdraw my motion."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, if I rise to speak, it is not on the motion itself, but on the way in which amendments are put forward and immediately withdrawn. It puts us all in an embarrassing position. We do not know how an amendment is going to be dealt with in this House. Arguments are adduced in favour of an amendment. After the reply, when the mover of the amendment withdraws, arguments are advanced in favour of the amendment, but still he says the amendment is withdrawn. In that state of affairs, it is difficult for us to follow the discussion. I therefore formally oppose the motion for withdrawing the amendment."

31st January 1936]

[Mr. T. S. Ramaswami Ayyar]

* The Hon. the PRESIDENT:—" I will now put the amendment to the vote of the House. The question is—

'In sub-section (3) of section 178 of the Act, in line 7, for the words "a closed cesspool or other," substitute the words "any sanitary".'

The motion was put and lost.

Clause 98 was put and carried.

Clause 99.

Section 179.

* Rao Bahadur P. C. MUTHU CHETTIYAR (Tamil):—" I move—
'Omit clause 99.'

"செக்ஷன் 179 ஐ ஒமிட் செய்யவேண்டுமாய் அமெண்டுமெண்டு. ப்ளாக்கா யுள்ள ஸ்டோர் வீடுகளில் பொதுவாக டிரையினேஜ் கட்டவேண்டியதாக கமிசனர் தீர்மானித்தால் அந்த சிலவை சொந்தகாரரிடம் வரி வசூலுக்கு ஒப்பந்தம் வசூலிக்கவேண்டுமாய் சிலகட்டு கமிட்டியார் சிபார்சு செய்திருக்கிறதை நியாய மில்லை என நினைக்கிறேன்.

12-45
p.m.

"ப்ளாக்காகவோ ஸ்டோராக கட்டுவதால் அதற்கு வரிகளை கார்புரேசனில் விதித்து உங்களுக்கு வசூலிக்க ஏதுவாகிறது. பப்ளிக் ஸ்டீட்டில் எப்படி டிரையினேஜ் கட்டுவதுபோல் பொது காரியமான டிரையினேஜும் கார்புரேசனில்தான் கட்டவேண்டுமே தவிர பிரைவேட் என்பதற்கு வித்தியாசம் காட்டப்படாது. இது முன் ஆகட்டிலும் இல்லை என எண்ணுகிறேன். இந்த மாதிரி ஸ்டோராக கட்டிவிடுவது பெரும்பாலும் ஏழைகள் குடியிருக்கவே உபயோகமாயிருக்கும்."

Mr. K. A. NACHIYAPPA GOUNDER:—" I second it."

The Hon. the RAJA OF BOBBILI:—" The amendment of my hon. Friend is to omit clause 99. In his speech moving the amendment he wants to confine it to the portion relating to recovery. I think such a power is necessary to recover the cost of any work. I oppose the amendment."

Mr. R. MADANAGOPAL NAYUDU:—" One thing I want to make clear. Mr. Muthu Chettiyar has stated that the houses of the poor should also be given drains. No Corporation or other public body would oppose such a thing. The reference to the Commissioner constructing and recovering the cost is in regard to work in the private land. Therefore the cost is made recoverable by the Commissioner. The Corporation is not bound to provide sewers in private lands."

The amendment was put and lost.

* Mr. C. BASU DEV:—" I beg to move—

'Insert the following as section 179-A:—

"The Corporation shall provide and maintain a system of drains which shall be not further than 50 feet from any premises in the city and wherever such a distance cannot be kept, the

[Mr. C. Basu Dev]

[31st January 1936]

Corporation shall at its own cost construct the portion of the drain in excess of the 50 feet to effect connexion between the premises and the Corporation drain."

Sir, to me it seems that this amending Act is making provisions fastening more and more obligations and liabilities on the citizens without an equal burden of obligations on the part of the Corporation. The Corporation collects taxes by coercive measures even. If the Corporation had any claim or hopes for any claim for civilization it must have a perfect system of drains to drain away the dirty water. No drain can be more than 50 feet farther from any house in the city. That, I think, is a simple proposition with which my hon. Friend the expert Member, the Commissioner of the Corporation, the Mayor, the ex-Mayor of the Corporation of Madras and the councillors will agree. If they agree I do not think there will be any difficulty in accepting the motion."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I second it."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I am sorry I have to oppose the motion of Mr. Basu Dev. I was in favour of reducing the distance from 100 to 50 feet. Corporation will have to build drains even when the houses are in far off places. If in an area measuring 10 or 15 acres a hut is constructed in a corner and sullage water stagnates, if this amendment is passed, it will make it obligatory on the Corporation to provide the drain at public cost to help a single individual. So I oppose the amendment."

* Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, the idea that prompted my hon. Friend Mr. Basu Dev is no doubt very good. I wish this resolution is carried and put into practice. But let us see if this can be put into practice at all. If this resolution is carried and if the Commissioner is asked to execute work according to the resolution that is to be passed the commitment of the Corporation will be so great that we shall have to either raise the tax or come to the Government for contribution either whole or in part. In my estimate if this resolution is passed the Corporation may have to spend about 10 to 15 lakhs of rupees to see that every house is provided with a drain which is at least 50 feet from its sewage outlet. My hon. Friend, Mr. Ratnasabhapat Mudaliyar, has already stated that every bungalow will insist on its drain being connected at the cost of the Corporation. There are 160 cheris in Madras in private lands and every bungalow in Kilpauk and Adyar is so far away from the road and if every house-owner can compel the Corporation to bring the main sewage drain within 50 feet from his outlet the cost which the Corporation may have to incur will be enormous. So I oppose the motion."

* The Hon. the RAJA OF BOBBILI:—"I understand the hon. Member had it as part of a scheme to insist that the Corporation should spend public monies to construct drains on private lands. The previous amendment has been lost. I think the same arguments

31st January 1936] [The Raja of Bobbili]

which were advanced in that case apply equally to this. The principle involved is the same, viz., whether public money should be spent to construct drains on private lands or whether owners of lands should not themselves undertake the expenditure. Moreover it will mean an enormous drain on the resources of the Corporation. They will hardly be able to bear it if we make any statutory provision of this kind. As I find it impracticable I have to oppose this amendment."

* Mr. C. BASU DEV:—"I would like to say a few words. I would like to clear some misunderstanding given expression to by my friends. The distance of the road or the drain from bungalows of 15 and 16 acres was referred to. The distance between the Corporation drain and the compound wall is the distance I or any reasonable person can mean. In the case of the cheris I do not think we should grudge the poor men the luxury of a drain constructed at the cost of the Corporation. This amendment will certainly go further than the amendment disposed of a few minutes ago. It is not my intention to press if the Hon. the Chief Minister is not willing to accept. I am obliged to point out that in the amending Act they are only increasing obligations on the tax-payer and not on the Corporation. I therefore beg leave to withdraw my amendment with the suggestion to the Commissioner that at least in future they will take early steps to see that the work is done as perfectly as possible and with as little inconvenience and cost to the tax-payer."

The motion was, by leave, withdrawn.

Clauses 99 and 100 were put and carried.

* The Hon. the PRESIDENT:—"Being Friday, the House will now adjourn and meet at 3 p.m."

(After Lunch—3 p.m.)

Clause 101.

* The Hon. the PRESIDENT:—"Clause 101 is for the vote of the House."

Clause 101 was put and carried.

Clauses 102 and 103.

Clauses 102 and 103 were also put and carried.

Clause 104.

Section 194.

* Diwan Bahadur A. APPADURAI PILLAI:—"I beg to move—

'In section 194 (1) (iv), add at the end the following words:—
"and sewage water".'

In the proposed section 194 (1) (iv), provision is made for the removal of filth. I suggest, Sir, that by the addition of the words, 'sewage water' arrangements may be made for the removal of sewage

[Mr. A. Appadurai Pillai] [31st January 1936]

water also by means of covered vehicles or vessels. This is dependent upon the retention of the 'cess-pool' by the amendment just now passed by the House in dealing with sub-section (3) of section 178. This is a very small amendment, Sir."

* The Hon. the PRESIDENT:—"There is no seconder to the amendment. It falls through."

Clause 104 was put and carried.

Clause 105.

Section 202.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, my amendment is—

*'In the new sub-section (3) (c) of section 202, omit the words
"except for the purpose of deodorizing or disinfecting the
filth".'*

This is not a very important amendment. Only the language is not happy here. Before moving the amendment, I request permission to say that if the answer to be given by the Hon. Minister is satisfactory to me and I am convinced that there is no need for the amendment, I will withdraw it. So, I request the House and yourself, Sir, to permit me to withdraw it so that objections may not be taken. Sub-section (3) (c) says: 'deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.' That is the language used. We do not deposit rubbish for the purpose of deodorizing or disinfecting, but may deposit some disinfecting substance for deodorizing. So, I think those words should be omitted. I hope the Government will accept my amendment or will change the wording as they like."

Mrs. K. ALAMELUMANGATHAYARAMMA seconded the motion.

* The Hon. the RAJA OF BOBBILI:—"Sir, section 202 of this Act follows the corresponding provision in the Madras District Municipalities Act. The idea is to use any suitable rubbish for depositing on the filth to prevent any smell emanating or to reduce smell. I do not see any objection to the wording as it stands in the Bill. I therefore oppose the amendment."

Diwan Bahadur C. NATESA MUDALIYAR:—"I am not pressing my amendment, Sir. But I request the Government to make the language better at least after some time."

The amendment was by leave withdrawn.

Clause 105 was then put and carried.

* The Hon. the PRESIDENT:—"I will put clauses 106, 107 and 108 to the vote of the House."

Clauses 106, 107 and 108 were put and carried.

31st January 1936]

Clause 109.

New section 214-A.

* Rao Bahadur P. C. MUTHU CHETTIYAR moved—

‘to omit new section 214-A.’

In doing so, he spoke in Tamil and the following is an English rendering of the same—

“As I understand this section, it deals with the damage caused to roads in the process of loading, unloading or depositing excessive weights thereon. The cost of the damage so caused is to be recovered from any person causing the damage on a certificate issued by an officer not below the rank of an Executive Engineer. My contention is that the section should be omitted for this reason. Loading and unloading weights in a public road is a necessity, and the people concerned in the process are generally labourers and not the owners of the articles themselves. Sometimes big companies take their goods in rubber tyred vehicles. All cannot afford it. Ordinarily, when labourers are employed in the process of loading or unloading goods, some damage to the road may be caused. Nobody will spoil the road purposely. Such being the case, it is not known from whom the cost of damage is to be recovered. Is it from the loader or unloader, or the owner of the goods or the man who actually caused the damage? Sometimes, a cart on account of some defect may give way in the middle of a road, causing some damage to the road by making a pit or hole. In that case, what is to be done? Then, this section will affect more the coolies employed in taking the load. Thus this is a terrifying section more to the labourers, and it will only increase litigation. The Corporation may say, ‘We have put lights on the road and the lights have been damaged by a crashing vehicle,’ and claim damages. Such a damage is incidental. Many people have suffered personal injury on Corporation roads by tripping on uneven ground or protruding stones and thus losing probably a toe. There is nobody to pay damages in such a case. Even without the knowledge of the labourer, some damage may be caused to the road. In all cases of damage, only the intention must be the test. So, I leave it to my learned friends in the House to take note of the effects of this section. The section is not definite. For these reasons, I move my amendment.”

* Rao Sahib V. I. MUNISWAMI PILLAI:—“I rise to second the amendment moved by my friend, Mr. Muthu Chettiyar. As we see in Madras city, most of this heavy traffic is carried either by motor-lorries or by labourers who are owning carts of their own. In the Godown street and other places where there is heavy traffic I find most of the coolies own their own carts and do this kind of work. By this provision we would be giving a handle to the executive authorities of the Corporation to take to task these poor people for taking heavy loads in their carts. I think there is already a provision in the Police Act to check or to bring to book all those people who go against the rules of

3-15 p.m.

[Mr. V. I. Muniswami Pillai] [31st January 1936]

traffic. If this clause is accepted I feel it will work a great hardship to the labouring classes. At a time when there is so much of unemployment, I do not think we will be wise in seeing that these poor people are also stranded. With these words, I second the amendment."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, I have to oppose this amendment. This section does not contemplate interference in the cases of ordinary traffic, such as laden bullock carts. It is intended to meet extraordinary cases where on iron-tyred trolleys, heavy boilers and heavy machinery are taken on ordinary roads on a culvert or bridge situated across the road. I take it a bridge or culvert on the road is included in the definition of the word 'road.' If it is not included, it may be taken as part of the road. If a boiler weighing about 25 tons is taken over a bridge intended to carry 10 ton load that bridge will collapse, and also will cause inconvenience to ordinary traffic. This section does not empower the Corporation to interfere with ordinary heavy-laden carts. It is only when the road is heavily damaged by the passing of a heavily-laden trolley or anything like that and after the Executive Engineer issues a certificate that the road has been spoiled because of the weight of the trolley or cart, that the Corporation can recover the cost. I can quote an instance that has happened in a mufassal municipality. A big factory is situated outside the municipal limits. A 25-ton steam-boiler was taken over a road by an iron-tyred trolley—I do not know what they call it in the engineering language—drawn by twenty pairs of bulls or about 500 coolies. They had not provided any iron sheet over the surface of the road with the result that the road was completely damaged for about four miles. The municipality applied for a certificate from the Executive Engineer and afterwards asked the company to pay the cost of repairing the roads which came to several hundreds. When a mill or a factory damages a road I think it but reasonable that such a damage should not be repaired at the cost of the general funds of the municipality or corporation, but it should be met by the owners of the mill or factory responsible for the damage. So it is in the interests of the Corporation and also of the ratepayers that this provision has been inserted here. So I have to oppose the amendment."

* Mr. W. K. M. LANGLEY:—"Sir, I take the same view as the last speaker. I am not seized of the reasons advanced by Mr. Muthu Chettiyar in support of his amendment. But his seconder, so far as I have understood him, seems to think rather illogically that the burden of payment for excessive traffic will fall on the labouring classes. As my hon. Friend, the Member from Coimbatore, has rightly pointed out, it is practically always borne by some large Corporation. I have many instances in my mind, very similar to those mentioned by the last speaker, of cases of very heavy boilers or heavy machinery being taken up to some very large project which is controlled by a corporation or by Government; and it seems to me that it is almost inconceivable that such a clause as this, if put into the Act, can possibly react, as my hon. Friend suggested against the poorer classes.

31st January 1936] [Mr. W. K. M. Langley]

“ I shall just give an instance of one particular case which must be within his own memory. He must have seen, as I have, some three years ago, the enormous traffic passing from Ootacamund up to Glen-Morgan for the electrical scheme. This was all carried on large, eight-wheeled lorries, and no damage was done to the road at all. If it had not been attended to by some Government department, all this heavy traffic would have been carried by some contractor or other in country carts, and the condition of the road between Ootacamund and Pykara in that case could better be imagined than described. It is only reasonable that people who want to use the roads for purposes for which they are not ordinarily intended, should pay for any extraordinary damage which may be caused to such roads and it would be most unfair that the local authority which in the last resort is the general taxpayer himself should be called upon to meet any extraordinary cost involved in this extraordinary traffic. I beg strongly to oppose this amendment.”

* The Hon. the RAJA OF BOBBILI:—“ I am afraid my hon. Friends who moved and seconded this amendment for the deletion of the section have misunderstood the scope and purpose of this provision. This is certainly not intended to cover the normal traffic which we see on streets from day to day, but very extraordinary cases where heavy loads for which the streets are not intended are carried and great damage is done to the streets which have to be made good from the municipal funds. There is absolutely no risk of this provision being abused by the executive authorities. As a matter of fact, the section has been carefully examined, and if any such damage is caused the loss can be recovered only after a certificate issued by the Executive Engineer of the Government Public Works Department. I think in the public interests a provision of this kind is absolutely necessary. I have to oppose this amendment.”

Mr. BASHEER AHMED SAYEED:—“ I must really thank, Sir, the Government and the authors of this provision in the amending Bill. This was a long-felt necessity in the city of Madras, and it is but right that we should retain this provision. I don't see any case could be made out at all for the deletion of a provision like this. It is very necessary, seeing the way in which the roads are damaged and made to serve private ends and private purposes by those citizens whom I may call very irresponsible in the matter of upkeep and use of the roads. I have personal experience in the matter. (Mr. Abdul Hameed Khan: ‘ Angappa Naick street.’) My friend reminds me of Angappa Naick street. That is not the only street in the city of Madras which has been abused thoroughly by this heavy traffic, extraordinarily heavy traffic which the road cannot bear. If any one of the hon. Members who is interested would go and visit one of the streets where such busy and heavy traffic is going on, they will see the deplorable condition of the roads where things are loaded, unloaded and deposited, and the way in which the wheels are made to run on the roads. I would say this certificate of the Engineer probably might be an impediment and perhaps it is to the advantage of the persons who are prone to abuse the

[Mr. Basheer Ahmed Sayeed]

[31st January 1936]

roads. That itself will be an impediment in the way of the Corporation easily realizing the money that they will have to spend by way of extraordinary repairs to the road. Apart from that, I would be happy if this provision is made stricter in its application and be enforced with the least disability. The Executive Engineer's certificate is certainly a circumlocutory procedure. The Corporation has to communicate with the Engineer. The Engineer has to come and prepare the estimates through his surveyors and supervisors and all this will certainly be a long-winded and tedious process. There must be some safety for the other party who is concerned in it. I have a small amendment in order to make the section perfect. I think I shall be able to move that when it is reached. I think that section is necessary in the interests of the Corporation and the proper maintenance of the streets. My friends will visualize it if they go around and see Irusappa Maistri street, Angappa Naick street, Linghi Chetti street or any one of the streets in Georgetown. In the first place if we can really have any device or any legislation to prevent heavy traffic then probably it will be better. In the absence of any such legislation restricting the amount of load which can be carried in single-carts—bullock-carts or hand-carts—I think such a provision is necessary in the interests of the proper maintenance of roads in the city of Madras."

3-30 p.m. The amendment of Mr. P. C. Muthu Chettiyar was by leave withdrawn.

MR. BASHEER AHMED SAYEED:—"Sir, as I said a little while ago, the object of my amendment which I now move is to insert the words 'loaded, unloaded or deposited' after the words 'such weight' and before the words 'or traffic' in line 15. This is only a verbal amendment intended to make the section read well."

MR. ABDUL HAMEED KHAN:—"I second it."

* MR. T. SUNDARA RAO NAYUDU:—"May I invite your attention, Sir, to the next amendment that stands in my name? That will carry out the intentions of the Mover much better. It reads: 'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.' If my amendment is accepted it will fulfil the object of my hon. Friend."

* THE HON. THE PRESIDENT:—"The hon. Member may move his amendment and then both the amendments can be discussed together and the more suitable one adopted."

* MR. T. SUNDARA RAO NAYUDU:—"I move, Sir,—

'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.'

The expression 'such weight or traffic' is not quite happy and is out of place in that particular line. It may be substituted by the words I have suggested."

MR. R. MADANAGOPAL NAYUDU:—"I second it."

31st January 1936]

* Mr. D. M. REID:—"Mr. President, it appears to me that Mr. Basheer Ahmed's motion is more satisfactory than the one proposed by Mr. Sundara Rao Nayudu. It might be taken to imply that the road was deliberately damaged. If we adopt the first amendment we might avoid misunderstanding. I support it."

* The Hon. the RAJA OF BOBBILI:—"Sir, the question has been examined. The amendment of Mr. Sundara Rao Nayudu is an official amendment drafted in the Secretariat to improve the language of the section. I think if the House accepts it, the position could be made quite satisfactory. I would therefore request Mr. Basheer Ahmed to withdraw his amendment."

The amendment of Mr. Basheer Ahmed was by leave of the House withdrawn.

The amendment of Mr. Sundara Rao Nayudu was then put and carried.

* Mr. T. SUNDARA RAO NAYUDU:—"Sir, I move—

'In the proviso, for the words "any person against whom" the words "any person from whom" shall be substituted.'

This is also an official amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 109 as amended was then put and carried.

Clause 110.

Section 218.

Mr. BASHEER AHMED SAYEED:—"I move—

'In sub-section (1) of section 218 of the Act, the words "or land occupied for residential purposes" be inserted after the word "street" in line 1 and the words "or situated on such land" shall be inserted after the word "street" in line 7.'

Sir, the object of this section is to give power to the Commissioner to order a certain work to be carried out or in default to carry it out himself. The section applies not alone to any street, but also to any land that is situated or abutting on such street. Mr. President, if you will please read the section you will notice this:

'If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the Commissioner, he may, by notice, require the owners or occupiers of such street . . .'

"Sir, private streets are more or less private lands and difficulty has been felt by the Corporation from time to time in the improvement of those streets which are not abutting on any public road but are situated in an area which is far away from public roads. The words 'private streets' no doubt mean private streets, but actually the Corporation has to deal with a large extent of land in which there are no private streets, but which has to be treated as private streets for the

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

purpose of improvement. The Corporation in 1924 appointed a committee to suggest amendment to this section and they made certain suggestions. They were pending consideration, and in the meanwhile this Bill was placed before the Corporation Council for its opinion and consideration. The Council pointed out that actually a private street is not a private street but only land belonging to a private party requiring improvement, but neglected by the owner even when called upon to do so by the Commissioner. In such cases it is necessary that the Commissioner should have power to carry out the improvement himself and recover the cost from the owner. If my amendment is not accepted the owners of such private lands will escape. So that in order to make the scope of the section wider and really benefit the Corporation in the direction of improvement of the slums, it is necessary that this amendment should be incorporated. The amendments when carried out in the section, the section will read thus:

‘ If any private street or land occupied for residential purpose or part thereof is not levelled . . . on such street or situated on such land . . . ’

“ As I said, I want that the scope of the section should be widened in order that lands also may be improved and not merely private streets. I suggest that this amendment is necessary in order that there may be a rapid improvement of slums.”

The motion was duly seconded.

3.45
p.m.

* Diwan Bahadur C. S. RATNASABHAPATHI MUDALIYAR:—“ Mr. President, Sir, I am afraid this amendment is outside the scope of section 218. Section 218 gives power to the Corporation to improve private streets or parts thereof, to metal such streets if such streets are not metalled and to provide side drains or sewage drains. There is another section under which the Commissioner or the Corporation is given power to improve the lands over which cheris or houses have to be constructed. I think that section gives power to the Corporation only in cases where any land is low-lying or water-logged to raise such lands or to fill up the pits where they exist. I am afraid the amendment of this section as suggested by Mr. Basheer Ahmed will make the position worse and give greater powers to the Corporation which are not necessary.”

* Mr. C. BASU DEV:—“ I hope the House will thank the hon. Member from Coimbatore for pointing out that the amendment of Mr. Basheer Ahmed is out of place under this section. I must say that the amendment of Mr. Basheer Ahmed is more reactionary than the amendment contained in the amending Bill which is under discussion. Sir, it looks as if we are trying to help the authorities of the Corporation beyond all proportion and there is absolutely no necessity for it. One of the duties of the Corporation is to find good tenements for the poorer classes of people and the Corporation is trying to discharge their duties in their own way. In the Perambur area there is a large plot of land which is now being colonized by the Adi-Dravidas and the Labour Department which is trying to help them in this direction

31st January 1936]

[Mr. C. Basu Dev]

are asked to meet the cost of the improvements and they are not able to get the same from the Government. Though there is a considerable plot of waste land available for the purpose of building tenements, owing to the indifference or reluctance of the Corporation, it is not made useful to the poorer classes who are working in the mills and most of whom belong to the depressed classes. If any owner or set of owners should apply to the Corporation to take over what they call private streets, it should be made incumbent upon the Corporation to take over those private streets and to effect all the improvements in that locality so as to enable the construction of suitable tenements for the poorer classes. I expected that such a provision would be incorporated in this amending Bill and that it would be made obligatory on the Corporation to take over all private streets and make the necessary improvements. The amendment of Mr. Basheer Ahmed seeks to fix the liability upon the poor owners of lands to make the necessary improvements which, if accepted by this House, would make their lives intolerable. I therefore very strongly oppose the amendment."

MR. R. MADANAGOPAL NAYUDU :—" As has been pointed out already by my Friend Mr. Ratnasabhupati Mudaliyar, the section in the amending Bill relates only to private streets. I am afraid if we extend the power of the Corporation to take over private lands kept for residential purposes, it would mean that we are placing too much power in the hands of the Corporation and troubling the poor people who are in possession of those lands. There are other provisions in the Bill relating to health and sanitary condition of the locality which give power to the Commissioner and the Corporation to take over such streets or areas where insanitary condition prevails. But section 260 gives powers to the Corporation or the Commissioner by which they can ask the owners of any private streets to carry out any improvements which in their opinion are necessary, or where there is some trouble for the public to come in because of the absence of these improvements. A distinction ought to be drawn between private streets to which the public have recourse and lands used for residential purposes by people. People residing in those localities are interested in seeing that these lands are kept undisturbed. I feel therefore that this amendment is unnecessary."

MR. BASHEER AHMED SAYEED :—" Sir, I am afraid that many of my Friends have not understood the scope of my amendment. I only implore them to realize that this city must grow and that it cannot be in the same stagnant condition in which it has been for ages. If the city is to be improved, one of the foremost duties of the Corporation is the removal of slums. It has been felt—I would only ask my hon. Friends to revive their memories—for a long time that if they want to effect any improvements in the city, they must spend their monies on lands, which cannot be strictly called lands owned by private owners. There are several grounds and there are any number of acres of such lands. Time and again it has been felt by the Corporation that they should lay their hands upon these lands, and they must be improved,"

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

and then they must come under a scheme of improvement. The section as it stands at present does not give any scope for the Corporation to stretch their hands on these lands and effect any improvement. Private streets are an anomaly in a city like this. Private streets are always unhealthy and insanitary and it is always very difficult for the Corporation to call upon the owners of those streets to improve them. The very sight of these streets is ugly. If a gentleman gets down from the harbour, he sees an ugly site. That site may not be unhealthy, but all the same it must be improved. The owner of the land lets it out to various tenants and realizes a large amount of money without effecting any improvements to that bit of land, so that in such cases the Corporation must be empowered to come forward with any scheme of improvement and then invest the money after telling the owner in the first instance that if he does not carry out the necessary improvements, they will carry out those improvements and recover the cost of the same from him. Private streets might be kept unhealthy and the buildings in those streets might be unarchitectural. It is for the purpose of avoiding all these and to carry out the necessary improvements that I am moving my amendment. Unless you are going to include also lands that are privately owned with private streets, there is no scope for the city to improve. I might invite the attention of the House to the recommendation of the Committee that was appointed in 1929 which suggested—

‘That in sub-section (1) of section 218 the words “private streets” might be substituted for the words “or occupiers”.’

“The Government agreed to have the words ‘private streets’ but instead of the words ‘occupiers’ they retained the word ‘owners.’

“So that, the Government felt it necessary even so early as 1929, when Mr. Boag was the Commissioner and had a hand in drafting these amendments, that these slums should be improved, and that the Corporation should be given power to improve these bits of lands. In so doing the Corporation will not incur any extra expenditure at all, but they will be able to recover the same from the owner. I therefore urge most earnestly that this amendment ought to be accepted. My hon. Friend from Coimbatore said that there are other sections which give powers to the Corporation. There are sections which give power only in cases where there is danger to health. But there may be some buildings in a street which are quite unarchitectural and do not conform to the rules of town-planning and things like that. I challenge the hon. Gentleman from Coimbatore to point out to me any sections which give power to the Corporation to interfere in such cases. Is there any section which lays the obligation on the private owner that in case he wants to erect some buildings on his land his plans would be approved only on condition that he raises the level of the land and makes provision for drainage and other things. Even in cases where you fix the responsibility upon the owners of private lands, such owners may neglect

31st January 1936] [Mr. Basheer Ahmed Sayeed]

them. Of course such lands may not be insanitary or unhealthy. I therefore submit that this amendment is very necessary and I would urge upon the House to accept it."

The amendment was put and lost.

Clauses 110, 111 and 112, were put and carried.

Clause 113.

Section 222.

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and moved the following amendment:—

'Add at the end of sub-clause (ii) of section 222, the following words:—

"and after the words 'reasonable compensation' the words 'taking into due consideration the cost of remodelling the whole or part of the structure' shall be inserted."

The following is an English summary of his speech:—

"In the clause as it stands it is stated only 'reasonable compensation.' What is reasonable compensation is a very difficult matter to decide. The encroachment of 5 square feet might have been going on for 30 years, and the owner of the building might have added that in 25 square feet building. The Corporation may consider that if they gave compensation for 5 square feet, it would be a reasonable compensation. For this reason only I want to move my amendment which says 'taking into due consideration the cost of remodelling the whole or part of the structure'.

"People usually encroach on nooks and corners and the encroachment goes on unobserved for years, for even thirty years. Then they or their successors in title may spend some money and build pucca buildings on the encroached portion in the hope and belief that the land would be theirs permanently. Therefore, I want that in fixing any compensation due consideration should be paid to the cost of remodelling the whole or part of the structure. Hence my amendment."

p.m.

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I take it that when compensation is given the minimum cost of any alterations that are necessary are also taken into account. I understand that that portion of the section now proposed to be amended is not a new one and is already in existence in the Act and has been worked and no difficulty has been experienced. Therefore, I do not see any ground why we should try to meddle with the existing section. Moreover, if any person is dissatisfied with the decision as regards compensation, I presume he will have a right to go to a court of law. On these grounds I consider that the amendment is not necessary. It may also lead to difficulties. I therefore oppose the amendment."

The amendment was by leave withdrawn.

Clauses 113, 114, 115 and 116 were put and carried.

[31st January 1936]

Clause 117.

Section 228.

* Mr. T. B. RUSSELL:—"Mr. President, I beg to move the amendment that stands in my name, namely,—

'For sub-clause (i), the following sub-clause shall be substituted, namely:—

"(i) In sub-section (1), for the words 'give names' the words 'give names or numbers' and for the words 'alter the name of any public street' the words 'subject to the approval of the Local Government, alter the name or number of any public street' shall be substituted; and '"

The only result of the amendment is that the words 'or numbers' have been added in one place where they had been left out. To put them in, the clause has been redrafted."

Mr. T. SUNDARARAO NAYUDU:—"I second it."

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Sir, I beg to move that for sub-clause (i), the following sub-clause may be substituted:—

'(i) in sub-section (1), for the words "give names" the words "give names of gods or goddesses whose temples exist in that locality or numbers" shall be substituted; and before the words "alter the name of any public street" the words "subject to the approval of the Local Government" shall be inserted; and '"

The hon. Member made a speech in Tamil of which the following is a summary:—

"Sir, we usually call these streets, street No. 4 or street No. 5 and so on. But we see that every street has a temple big or small with a god or goddess in it. Some streets have also mosques and churches. I suggest that instead of naming these streets Ramunni Menon street and so on, we may name them after these gods and goddesses and churches and mosques. If one god or goddess or church or mosque has got three or four streets under its jurisdiction, then we may give them numbers also in addition to the name of the god or goddess, etc. Many persons will have the same name and it will be difficult to find out. But there will be an addition to every god. I do not think there will be any objection to this proposal; if however there is any very great objection to this I will withdraw it."

Mr. H. M. JAGANNATHAM:—"I second it."

* The Hon. the PRESIDENT:—"I think that Mr. Muthu Chettiyar's amendment can be taken up only as an amendment to Mr. Russell's amendment. Then it will read like this:

'After the words "give names" in Mr. Russell's amendment insert the words "of gods or goddesses whose temples exist in that locality".'

Both the amendments are for discussion of the House."

31st January 1936]

* The Hon. the RAJA OF BOBBILI:—" Sir, I think I have to oppose the amendment of Mr. Muthu Chettiyar. Even now, as the amendment of Mr. Russell stands, it does not prevent any street being named after any god or goddess. But if we lay down any statutory provision like this, it may lead to serious difficulties and I do not think it is wise to tie the hands of the Corporation in this respect. I have to oppose the amendment of Mr. Muthu Chettiyar to Mr. Russell's amendment."

The Hon. the PRESIDENT:—" Mr. Basheer Ahmed has an amendment to this clause."

Mr. BASHEER AHMED SAYEED:—" I shall move it after this amendment is disposed of."

Mr. ABDUL HAMEED KHAN:—" Mr. President, Sir, so far as Mr. Russell's amendment is concerned, I am certainly prepared to agree to the first part of it as there is something to be said for shortening the names and in some cases for numbering the streets. But so far as vesting the power in regard to altering the names and numbers in the hands of the Local Government is concerned, I for one think that it is not a step in advance. Hitherto, it was within the power of the City Council to alter the names of the streets whenever they found that such alteration was absolutely necessary. No doubt it is true that there was a time when the Corporation changed the names of some streets and gave them the names of the sitting Councillors. But subsequently the Council themselves have put a ban on such a practice and thereafter names of sitting Councillors have not been given to streets. The Councillors fully realize that it is not an easy matter to change the name of a street, for it not only affects the residents therein, but it also affects the postal services. As the City Council fully realizes the very many disadvantages and difficulties in changing the existing name of a street, I do not think their hands should be tied in any manner whenever they think that it is absolutely necessary that the name of a street should be changed. The control of the Government need come in only when it is necessary but not in matters like this. It does not commit the Government to any expenditure, nor is any other responsibility of the Government involved in this matter. It is purely a responsibility of the City Council and they realize it fully well. They will discharge it in a proper manner. Simply because at a time when a certain Commissioner was in the Corporation it was found that the Councillors changed the names of the streets in the names of the sitting Councillors, we must not generalize from that and take away the existing right of the City Corporation. Besides, the Local Government is not expected to know what exactly are the requirements of a particular locality. It is the City Council and its executive who will know exactly what names should be given to streets and localities. In the circumstances I appeal to the Government to see their way to withdraw this part of their amendment and not take away the right which is at present possessed by the City Council."

[31st January 1936]

* The Hon. the PRESIDENT:—"I think Mr. Basheer Ahmed has to move his amendment now or not move it at all, because if the official amendment is passed there will be no place for his amendment."

Mr. BASHEER AHMED SAYEED:—"I think, Sir, that Mr. Russell has not brought in any new principle in his amendment; he has only changed the wording and put some words before and some words after. Anyway, I am prepared to move my amendment now, Sir."

* The Hon. the PRESIDENT:—"If the principle of getting the approval of the Local Government which is contained in the official amendment is voted upon by the House, then the hon. Member's amendment will be out of order."

Mr. BASHEER AHMED SAYEED:—"I will move my amendment now, Sir."

* The Hon. the PRESIDENT:—"The hon. Member's amendment may come in as an amendment to Mr. Russell's amendment."

Mr. BASHEER AHMED SAYEED:—"I move—

'For the words "subject to the approval of the Local Government" in Mr. Russell's amendment, substitute the words "by three-fourths majority of the members of the Council present and voting".'

4-15 P.m. That is my amendment, Sir. My main object in moving this amendment is this; in such a small matter as this, it is not necessary for the Government to interfere in the autonomy of the Corporation Council; it is a very trivial matter, the naming or altering the names of streets, not only in the exigencies of public interests but also with a view to satisfy the demands of the ratepayers who really require that there should be a change in the names of the streets in which they reside. The process by which these names are changed is not an ordinary one. I would like to invite the attention of the House to the procedure that is followed when changing a name, or giving a new name. Only when there is agitation on the part of the public or any responsible section thereof, the matter is taken up at all. Once there is agitation and representation is received almost with the recommendation in many cases of the councillor or councillors of the area in question, then the Commissioner invites the opinion of his officers and then the matter goes before the Committee, the Works Committee, which is concerned with this subject. The Works Department goes into the question thoroughly and if it feels justified there is a case for the change of the name, it recommends it to the Council. The Committee by itself is not authorized to change the name of any street. After the Committee considers it fully at a meeting, it goes before the Council for its decision. In the Council this question is passed as all other motions and subjects, by a majority of votes. When such is the present procedure, the occasions for changing names have been really few and far between. There have been cases in which changes have been made without much necessity. That, I think will not be argued to be sufficient cause for provoking the Government to

31st January 1936] [Mr. Basheer Ahmed Sayeed]

interfere in this matter and to say that any new name or alteration of an existing name should be done only with the approval of the Government.

"I shall view the question from the standpoint of the Government. After the Commissioner has put forward his proposal, after the Committee and the Council decide for or against it, do the Government want that the matter should come before the Local Self-Government Secretariat, pass all the stages from the clerk to the Secretary of the Department, and in case representation has been made by interested parties to the Hon. Minister, the Hon. Minister himself should consider the question and pass the order whether the Council should be empowered or not to change the name? It will involve enormous labour on the part of the Secretary of the Local Self-Government Department and of the Hon. Minister. I would ask the Government to realize whether it is worth while for them to take up the responsibility for giving a name to a street. Nothing is lost by any section of the public by the change of a name or by giving a new name. I would therefore say that the Government need not interfere in this matter; nor is it desirable in the interest of the Government and in the interest of the public that the Government should take upon themselves this power and responsibility. The Corporation of Madras is supposed to be an autonomous body at least in some respects. The Hon. Minister has time and again stated that there has been no policy of centralization. But this seems to be a very flagrant violation of even the little decentralization that exists and of the power that is vested in the Corporation. I would earnestly request him to accept my amendment not merely on the ground that it is against the canons of decentralization but also because it shows the greatest lack of confidence in the Corporation Council that has been created by the Government, in the Council that is administering the affairs of the Corporation. The Corporation has been entrusted with greater responsibilities in matters of finance, in matters of public health, in matters of education, in matters of water-supply and drainage. Could not the Government have confidence in the Council to manage and to administer this little affair, this tiny and trivial affair? Next year, the new Constitution will be introduced and the new Government in formation would have ample confidence in the Corporation Council. If it is stated that the approval of the Government should be obtained, it will mean enormous labour for the Government and for the Corporation. What happens if the Corporation sends up a proposal and the Government consider it and veto it? Then it is loss of so much public time and money. From that point of view I say there can be no case for the Government saying that the alteration of street names should be subject to their approval.

"What is my proposal? My proposal is that, if the Government are so inclined, they can make it practically impossible for the Corporation Council to alter names as and when their fancy suits, and according to their whims and caprices. My amendment suggests that

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

we should put it on as high a scale as possible. My amendment is to allow the alteration to be made when it is approved by three-fourths majority of those present in the Council at the time and voting. According to my suggestion, such a safeguard may be provided. I do not see why this matter should not be left in the hands of the Corporation, to alter names of streets in very important and urgent cases. Such a provision, I think, would be considered to be necessary, desirable and suitable. I implore the Government to consider the question with this safeguard, with this restriction of three-fourths majority voting for any change or alteration of the names of streets considered suitable and desirable. If my suggestion is accepted, the chance of changing any name unnecessarily, will be far remote, probably once in a blue moon; no change will at all occur. The Hon. Minister may take my assurance. As the Mayor of the Corporation has stated, we have imposed a restraint upon ourselves that we shall not unnecessarily and frequently change the names of existing streets, for no reason whatsoever. There are certain ugly names; there are certain names which have grown out of place and out of time; they require new orientation, or alteration, by a new name being substituted for an older name. In this case the Corporation must certainly be allowed some discretion to give the name that is most suitable to the occasion and times. I do not think that we should be considered as lacking so much in commonsense in the matter of alteration of names. I hope that the Government would be agreeable to my proposition; three-fourths majority of the members present in the Council would be sufficient to act as a check against any unnecessary alteration of names of streets. I would therefore request the Government to accept my amendment."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I second it."

Mr. K. KOTI REDDI:—"I think, Sir, that Mr. Basheer Ahmed's amendment seems to be a very sound one. I do not know why even this small discretion should not be given to a Corporation like the City Corporation, without being subjected to the approval of the Local Government. The Local Self-Government Department perhaps feels that it is more responsible to the public than the Madras Corporation. I doubt very much, whether the Local Self-Government Department is more responsible than any Municipal Council, much less the Madras Corporation. On the other hand I think that the Local Self-Government Department is much less responsible. The Local Self-Government Department has no other aim than to help its own party men. From the way in which the Local Self-Government Department is being administered, I do not think any Member of the Legislative Council who has been following carefully the methods that have been adopted by the Local Self-Government Department would like to entrust this power to the Department. Time will come when the administration of the Local Self-Government Department will be subject to the scrutiny of this House. I may mention only one instance, how in the matter of constitution of circles in the case of local boards, how in the matter of changing the circles for the benefit of its party men,

31st January 1936] [Mr. K. Koti Reddi]

no iota of responsibility has been shown by the Local Self-Government Department. I shall give only one instance for the benefit of the Legislative Council. Under these circumstances, I doubt whether this House would be willing to entrust this power to the Local Self-Government Department."

* Mr. T. B. RUSSELL:—"I suggest, Sir, that in the section before the House there is no mention of the Local Self-Government Department. The responsibility in this case as in other cases must rest with the Government and not with the Local Self-Government Department."

Mr. K. KOTI REDDI:—"I know, Sir, that only Government is mentioned; but it is the Local Self-Government Department that really takes action. Are we to understand that in this matter the whole Cabinet is going to decide whether there should be a change in the name of a street?"

The Hon. Sir K. V. REDDI NAYUDU:—"The Government always take the responsibility for the actions of the department. The final responsibility always rests with the Government and not with the department."

Mr. K. KOTI REDDI:—"I am glad to hear that the Government take the responsibility for what is done by the Local Self-Government Department. I say, Sir, that even then the Government should not be entrusted with this power. To return to what I wanted to say, I wanted to give one example. Probably my hon. Friend, the Leader of the House is not aware of how the Hon. the Chief Minister wanted to change and has changed some circles . . ."

* The Hon. the PRESIDENT:—"The hon. Member is not only importing more heat than necessary but he is also importing circles into the discussion; there must be a limit even for analogy."

Mr. K. KOTI REDDI:—"What I wanted to say is that this Council should not entrust this power to the Local Self-Government Department, which seems to think that the Madras Corporation is less responsible than itself. On the other hand I strongly feel that the municipal council, much more so the Corporation of Madras is more responsible than the Local Self-Government Department or the Government in its administration of Local Self-Government Department. I base my proposition on facts, facts which I believe, will clearly show to this hon. House that the Government ought not to be entrusted with any power of the kind contemplated. I would rather trust the Madras Corporation than the Local Government.

"I believe, Sir, that the Local Government have not, even in small matters, shown a fair or equitable temper and have done such acts of inequity that I am driven to the conclusion that we could rather entrust this power to the Madras Corporation than to the Local Government. It is therefore, Sir, that I am supporting the amendment moved by my hon. Friend."

4-30
P.m.

[31st January 1936]

* The Hon. the RAJA OF BOBBILI:—"Sir, Mr. Basheer Ahmed, in moving his amendment, has prefaced his remarks with a statement that this is a trivial matter in which he considered the Government wanted to fetter the powers of the Corporation. I may state that on that very point I differ fundamentally from him; I feel that the changing of names of streets is not a trivial matter and there is a great deal to be said in favour of old associations and the sentiments of the people, apart from one's own convenience. I do not mean to say that the Corporation has been lightheartedly changing the names of streets; but what I say is that if one peruses the agenda for some of the Corporation meetings, one finds at least half a dozen resolutions given notice of for changing the names of streets. Government feels that this is a matter over which there should some sort of check. It is not that in every case the matter will come up before the Government; but if there is a provision of this sort in the Act, resolutions would not be brought forward before the Corporation unless there are sufficient grounds for a change in the names of streets. I therefore consider that a provision of this kind is absolutely necessary and I oppose the amendment of my hon. Friend, Mr. Basheer Ahmed.

"I believe I have already spoken on the amendment of my Friend, Mr. Muthu Chettiyar and stated that I have to oppose it.

"Coming now to the remarks of my Friend, Mr. Koti Reddi, I am not surprised that he now finds that the administration of the Local Self-Government Department does not suit his own purposes and ends, and I do not wish to take up much time of the House in replying to his outburst so soon after his disappointments and defeats in his own district."

* The Hon. the PRESIDENT:—"I shall first put Mr. Muthu Chettiyar's amendment to the amendment of Mr. Russell, to the vote of the House.

The question is—

'After the words "give names," insert the words "of gods or goddesses whose temples exist in that locality."'

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I shall put Mr. Basheer Ahmed's amendment to the amendment of Mr. Russell, to the vote of the House.

"The question is:—

'Substitute the words "by three-fourths majority of the members of the Council present and voting" for the words "subject to the approval of the Local Government".'

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I shall now put Mr. Russell's amendment to the vote of the House, viz.:—

'For sub-clause (i) the following sub-clause shall be substituted namely—

"(i) In sub-section (1), for the words, 'give names' the words 'give names or numbers' and for the words 'alter

31st January 1936]

[The President]

the name of any public street' the words 'subject to the approval of the Local Government, alter the name, or number of any public street' shall be substituted; and ''."

The amendment was put and carried.

Clause 117, as amended, was put and carried.

Clause 118.

Section 233.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Mr. President, Sir, I move that—

'For sub-section (2) of section 233, the following shall be substituted:—

"(2) Every permission granted under sub-section (1) shall be free of charge and shall expire at the end of the year for which it is granted''."

He said in Tamil that the poor people could not afford to pay fees every year for getting licences for pandals inside their own houses. Is it a rent for the Corporation? Rupees 4 is noted in the clause. His amendment aimed at having the licences free of charge.

Mr. K. A. NACHIYAPPA GOUNDER seconded it.

[The Hon. the RAJA OF BOBBILI:—"Sir, it usual both in the Madras Corporation and in the mufassal municipalities to levy a fee for these structures. The Corporation at present derives a substantial income from this source, and if the amendment is accepted, it will mean a loss to the Corporation. If the Corporation is to control the putting up of these structures and inspect them for the purpose of granting licences, etc., it is desirable that it should have an opportunity of recouping the cost of such inspection, etc. I oppose the amendment."

The amendment was, by leave, withdrawn.

Clause 118 was put and carried.

Clauses 119 to 123.

Clauses 119, 120, 121, 122, 122-A and 123 were put and carried.

Clause 123-A.

- New section 257-A.

* Mr. T. B. RUSSELL:—"Sir, I rise to move the amendment that stands in my name:—

'(i) For the first sentence of new section 257-A, the following sentence shall be substituted, namely:—

"The standing committee may, subject to the approval of the Council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause (8-A) of section 3 and the decision of the standing committee shall, on such approval, be final;" and

[Mr. T. B. Russell]

[31st January 1936]

(ii) *in line 8 the word 'may' shall be omitted.*''

In the Bill as originally, drafted, the approval of the Council after the decision of the standing committee, was not required; but the Select Committee considered that it was desirable that a provision should be introduced for the approval of the Council, and stated that the clause should be re-drafted so as to include such a provision. This amendment only makes such a provision."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"I second it."

The amendment was put and carried.

4-45
p.m.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name, namely:—

'Delete the proposed sections 257-C to 257-O.'

Sir, you will find that this relates to Chapter X-A dealing with Cheris or Hutting Grounds. This is a new chapter copied bodily from the Calcutta Act, which deals with 'bastis or hutting grounds,' so that the provisions of this chapter are entirely new to us. With a view to introduce this Chapter X-A opportunity has been taken to define 'Cheris or Hutting Grounds,' in section 3 (S-A) as follows:—

"Cheri" or "Hutting ground" means an area containing land occupied by, or for the purpose of, any collection of huts—

- (a) *standing on a plot of land not less than two thousand four hundred square feet in area and bearing one number in the assessment books, or*
- (b) *standing on two or more plots of land which are adjacent to one another and exceed in the aggregate four thousand eight hundred square feet in area.'*

In other words, Sir, only an area of about a ground in extent, i.e., 60 feet by 40 feet or 2,400 square feet, is supposed to be considered as a cheri or hutting ground. I have no quarrel with the steps taken to provide facilities and conveniences for the cheri people in this City. We know, the wretched condition in which these cheris are at present maintained. They are mostly owned by private owners who are not inclined to carry out any improvements suited to the occupants for their comfortable living. I had occasion, a couple of days ago, to see a cheri of this sort near Perambur. It is a place where there is an extensive cheri consisting of plots of land owned by brothers and partitioned by them. One of the owners has got 18 grounds and has let the cheri people to put up huts and sheds in all fantastic shapes and sizes wherever they chose without regard whatsoever to lighting or ventilation. The residents of this cheri have asked the owner to set right some difficulties or inconveniences and invariably the reply they got was, 'if you like you may live and if you do not like you may go away.' The cheri men who have been living there for generations, are not willing to easily quit the land, because the Tenants' Protection Act, gives them ample shelter. Under that Act, the tenant is at liberty to ask the owner of the land to sell the property to him, in which case, he can

31st January 1936] [Mr. A. Appadurai Pillai]

take it over put up a decent construction and make it comfortable and worth living. In the particular case I have mentioned, I found on enquiry that the owner and the tenants have been at loggerheads because the owner did not care to improve the cheri, nor would he part with the site on which the tenants have put up huts. He has been demanding a thousand rupees for a ground. This is an unconscionable rate, because even lands on Poonamallee High Road and on Mount Road hardly fetch a thousand rupees per ground. Even in Nungambakkam within my knowledge, the rates for sites are not valued more than a thousand rupees per ground. In this particular case, the owner has been demanding a thousand rupees a ground from these poor cheri residents, with the result that they are not in a position to pay such fabulous prices; and they are not willing to go out of the place because they have been living there for generations.

“Now, Sir, I welcome the provision in this chapter where the Corporation wants to step in and call upon the owner to set right these difficulties and to provide ordinary facilities for the residents living in these cheris. But, Sir, my point in moving the amendment before the House is that it is more the duty of the Corporation, and not of the private owner, to ask for the provision of new cheris and hutting grounds. It has been recognized on all hands that it is the duty of the local authority or the Government to provide suitable accommodation to citizens who are less favourably situated than their brethren who can afford to live comfortably. It is the primary duty of the local authority to come to the rescue of these citizens because in the welfare of the citizens at large and in the welfare of the cheri men, lies the welfare of the country and the welfare of the Government. Sir, going through the Council Library, I came across a book written by a famous authority, Sir E. D. Simon who once happened to be the Lord Mayor of Manchester. He has written several books on slum clearance and is an authority of very great repute on that subject. Please listen to what he says with reference to this question of slum clearance, or what obtains here, cheri clearance or cheri betterment. He says:—

‘The Coalition Government did another revolutionary thing. They imposed on local authorities, for the first time, an obligation to provide for the whole of the working class housing need for their district, so far as it was not likely to be met by other agencies. Although a few thousand houses had been built by local authorities in prewar days, it is roughly true to say that the working classes had been housed by private enterprise. But in 1919 conditions were such that private enterprise could not possibly build houses for letting at a profit, and the Addison Act, although only passed on account of the emergency, was the beginning of a revolution in putting this duty on the shoulders of the local authorities. Now, after fifteen years, it has become an accepted part of public policy that housing, at least of the lower paid workers is the duty of local authorities.’

Sir, later on in the chapter under ‘A Policy for the Future’ Sir E. D. Simon declares in unmistakable terms after examining the pros and cons of this question:—

‘The proper function of private enterprise is to build houses for the occupier-owner. A man who owns his own house looks after it better than anybody else; there are many strong and well-known arguments for occupier-ownership, and there is every reason why it should continue to be encouraged . . .’

‘It is abundantly clear that Sir Hilton Young’s policy is wrong; that the essential thing is to give local authorities every encouragement to proceed as fast

[Mr. A. Appadurai Pillai] [31st January 1936]

as possible with the building of new houses. The need is for houses to let at low rents, and the best thing would be if all the 200,000 new houses for many years to come could be built for letting at the lowest possible rent.'

Sir, I cannot quote a better authority on this matter than Sir E. D. Simon.

"Sir, in the first place, the provisions that are sought to be introduced into this Chapter would defeat the very object for which they are intended, for the simple reason that no owner of the ordinary run of these cheris would be in a position to invest a large amount of money for the requirements of these cheris as are visualized in the new sections, namely, clauses 257-C to 257-O. For instance, if we take the case of a two-ground cheri, we find that according to the section, power is given to the Commissioner to call upon the owner of a cheri of not less than 4,800 square feet in extent, to put his house in order by effecting improvements to the cheri in the shape of providing electric lights, flush-out latrines, proper streets, play grounds and things of that kind which are the everyday requirements of these people. Well, Sir, no owner will cheerfully come forward to undertake that responsibility. Moreover, Sir, in a two-ground cheri, the owner might be getting from say, 10 or 12 huts, somewhere about five or six rupees by way of rent—generally the monthly rent for such small huts or sheds will not be more than eight annas per month per hut. For putting up electric lights, providing drainage, etc., according to the new sections that we have just now passed, the responsibility is placed upon the owner; and for this purpose he has to invest somewhere about a thousand rupees on a two-ground cheri. What will be the return that he can expect from this investment? The cheri people would not be inclined to pay more than eight annas which they have hitherto been paying from the time of their forefathers; and even if they are compelled to pay another four annas, it will come to only 12 annas per month per hut; and this would not be a proper return for the man who invests a sum of Rs. 1,000. What will be the result. He would not undertake the improvements suggested by the Corporation. As I stated before, that is a provision which would defeat the very purpose for which it was intended. It is with this object in view that I have moved my amendment. Of course I might be asked to state whether there should not be such a provision asking owners of existing cheris to effect improvements to them. I do realize that and I very much wish that the Corporation should be empowered to have some authority to enforce rules of sanitation and things of that kind on the owners of cheris. For that there is section 257-B . . ."

The Hon. the PRESIDENT:—"May I know for how long the hon. Member is likely to speak?"

Diwan Bahadur A. APPADURAI PILLAI:—"Another 20 or 30 minutes, Sir."

The Hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. to-morrow."

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.